

1 previously marked as Bureau
2 Exhibit No. 1 was received into
3 evidence.)

4 MR. SHOOK: Proposed Bureau Exhibit No. 2
5 is the Testimony of Chuck Finney. It consists of 18
6 pages.

7 ADMIN. JUDGE SIPPEL: Any objection?

8 MS. REPP: No, Your Honor.

9 ADMIN. JUDGE SIPPEL: Marked and received.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as Bureau Exhibit No.
13 2, for identification.)

14 (Whereupon, the document
15 previously marked as Bureau
16 Exhibit No. 2 was received into
17 evidence.)

18 MR. SHOOK: Proposed Bureau Exhibit No. 3
19 is the Testimony of Jonn Covell. It is 29 pages in
20 length.

21 ADMIN. JUDGE SIPPEL: Any objection?

22 MS. REPP: No.

23 ADMIN. JUDGE SIPPEL: Marked and received.

24 (Whereupon, the above-referred
25 to document was marked into

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1 evidence as Bureau Exhibit No.
2 3, for identification.)
3 (Whereupon, the document
4 previously marked as Bureau
5 Exhibit No. 3 was received into
6 evidence.)

7 MR. SHOOK: Your Honor, I take it
8 everybody understand that even though we haven't gone
9 through the exercise of us formally offering these
10 exhibits, that's what we're doing?

11 ADMIN. JUDGE SIPPEL: Yes. I think we -
12 we and the record, I think, are quite familiar with
13 what we're accomplishing or trying to accomplish here
14 today. So, you may proceed in the fashion you're
15 doing it.

16 MR. SHOOK: Thank you, Your Honor.
17 Proposed Bureau Exhibit No. 4 is the Testimony of
18 Jason Lopez. It is 9 pages in length.

19 ADMIN. JUDGE SIPPEL: Any objection?

20 MS. REPP: Yes, Your Honor.

21 ADMIN. JUDGE SIPPEL: And?

22 MS. REPP: SFUSD objects to several
23 statements that contain heresy. They are out-of-court
24 statements that are being used to usurp the truth.
25 For example, Paragraph 14, the Declaration of Mr.

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1 Lopez, refers to Ms. Hecht's statement and asserts
2 statements therein for the truth therefore, such as
3 that in June of 1997, Jeffrey Ramirez, then GM for the
4 station, had asked her to review the public inspection
5 files in anticipation of renewal.

6 We would ask that, and similar statements
7 that we can walk through, be stricken as heresy. Mr.
8 Lopez was not a party to that conversation, or alleged
9 conversation, with Mr. Ramirez.

10 ADMIN. JUDGE SIPPEL: I'm on the Paragraph
11 14, and what is the sentence?

12 MS. REPP: I'm just starting as an
13 example.

14 ADMIN. JUDGE SIPPEL: Yes.

15 MS. REPP: But it would be really starting
16 with the third line, "Ms. Hecht states that she had
17 been a volunteer at KALW for four years, and that in
18 June of 1997, Jeffrey Ramirez, then GM for the
19 station, had asked her to review the public inspection
20 files in anticipation of renewal."

21 I can continue on with the paragraph, but
22 that's the beginning of the heresy, where Mr. Lopez is
23 recounting out-of-court statements by Ms. Hecht as if
24 they were the truth.

25 ADMIN. JUDGE SIPPEL: All right. Mr.

1 Shook?

2 MR. SHOOK: Your Honor, the Bureau would
3 note several things. First of all, there is the
4 general heresy exception, which appears in Federal
5 Rules of Evidence 803, subpart 24, and it generally
6 has to do with whether or not the material that's
7 being offered can be deemed trustworthy for various
8 reasons.

9 And we think that's certainly applies with
10 respect with the material that is being objected to.
11 We would also note that Ms. Hecht is unavailable.
12 There is no one in either the School District or the
13 Bureau that has been able to locate that has any
14 knowledge of Susan Hecht's current whereabouts.

15 ADMIN. JUDGE SIPPEL: So, your point is,
16 is that this seems to be reliable under the exception
17 80324, guarantees of trustworthiness, and that the
18 witness is not available.

19 MR. SHOOK: And, Your Honor, we are
20 proffering Mr. Lopez for cross-examination. So, in
21 the event that it turns out that there is some reason
22 why this particular testimony should not be viewed as
23 trustworthy, we recognize that it's subject to being
24 stricken.

25 ADMIN. JUDGE SIPPEL: Okay.

1 MS. REPP: Your Honor, if I may?

2 ADMIN. JUDGE SIPPEL: Yes, I'm going -

3 MS. REPP: In terms of the trustworthy,
4 Susan Hecht was a volunteer at the station. She
5 wasn't an employee. No one knows where she is, but no
6 one knows really much about her.

7 I don't know on what basis she would be
8 deemed trustworthy.

9 MR. SHOOK: Your Honor, if I may address
10 that point?

11 ADMIN. JUDGE SIPPEL: You may.

12 MR. SHOOK: One of the areas that we
13 covered with both Mr. Ramirez and, to a greater
14 extent, Mr. Helgeson, focused on their interactions
15 and their knowledge of Ms. Hecht during the period in
16 question.

17 And, at least with respect to Mr.
18 Helgeson, in the deposition, we were able to elicit an
19 opinion from him as to Ms. Hecht's honesty or
20 trustworthiness. There was some questions and answers
21 along those lines.

22 And, unfortunately, I can't put my fingers
23 on those cases at this point in time.

24 ADMIN. JUDGE SIPPEL: Mr. Helgeson knew
25 her though?

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1 MR. SHOOK: Well, Mr. Helgeson interacted
2 with her, and Mr. Ramirez interacted with her. And to
3 the extent that - neither of them had a question about
4 her honesty.

5 ADMIN. JUDGE SIPPEL: Okay, and Mr. Lopez,
6 he interacted with her too, is that right?

7 MR. SHOOK: That is not entirely clear.
8 He did have some interaction with her, but perhaps not
9 at the same level that Mr. Helgeson and Mr. Ramirez
10 did.

11 ADMIN. JUDGE SIPPEL: All right. How is
12 he testifying, then, to what all of these things that
13 she's apparently done? Does he have - in other words,
14 is he in a position to know this information first
15 hand?

16 MR. SHOOK: Only through his interaction
17 with her, and then to the extent that materials were
18 subsequently included in a Petition to Deny. And, in
19 turn, those materials were addressed by SFUSD first in
20 its Opposition to the Petition to Deny.

21 But then, also subsequently in the
22 depositions, we presented Mr. Ramirez with a copy of
23 the exhibit that is being referenced here that was
24 used in the Petition to Deny - that being the report
25 that Susan Hecht submitted to him.

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1 And so, there was no question as a result
2 of the deposition testimony that the document in
3 question was genuine, was prepared by Ms. Hecht and
4 was presented to Mr. Ramirez at or about the time
5 reflected in Ms. Hecht's declaration that was attached
6 to the Petition to Deny.

7 ADMIN. JUDGE SIPPEL: And Mr. Lopez had -
8 was Mr. Lopez -

9 MR. SHOOK: Mr. Lopez was the principal
10 author of the Petition to Deny. So, in that sense, he
11 had interaction with Ms. Hecht.

12 ADMIN. JUDGE SIPPEL: Well, okay. That
13 tells - so, you've got an opportunity to cross-examine
14 Mr. Lopez on his statements. You also have - I'm
15 talking to Ms. Repp now.

16 You also have the ability to cross-examine
17 Mr. Helgeson and Mr. Ramirez, who apparently had some
18 knowledge of Ms. Hecht. But we can't get Ms. Hecht in
19 here?

20 MS. REPP: That's right. And I believe
21 we'd be prejudiced by the admission of these
22 statements. For example, Ms. Hecht states - reading
23 from Paragraph 14, Ms. Hecht further states that she
24 found the files disorganized and incomplete.

25 SFUSD does not have the ability to cross-

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1 examine Ms. Hecht and those statements in there.

2 ADMIN. JUDGE SIPPEL: Did that show up in
3 her report, that statement?

4 MR. SHOOK: Disorganized and incomplete?
5 I do not believe those words were used in her report.
6 The report basically sets forth what she supposedly
7 saw and did not see while she was looking through the
8 file.

9 ADMIN. JUDGE SIPPEL: Well, it seems to me
10 I remember seeing this language used, if I'm not
11 mistaken, in reviewing the Hearing Designation Letter.
12 Is it in the Hearing Designation Letter too?

13 MS. REPP: I agree with Mr. Shook that the
14 memo from Ms. Hecht didn't have conclusions such as
15 calling it disorganized and incomplete. Those are
16 conclusions that may have been in the Petition to
17 Deny, but were not in her memo.

18 MR. SHOOK: Well, there's the declaration
19 that we can take a look at and see what it was she did
20 say. Your Honor, now we're jumping ahead a little
21 bit. But in Bureau Exhibit No. 5, at Page 15 -

22 ADMIN. JUDGE SIPPEL: This is the Petition
23 to Deny.

24 MR. SHOOK: Yes, Sir. There is the
25 Declaration of Ms. Hecht, and it turns out that she

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1 does use the words disorganized and incomplete. It
2 would be Line 4 of her Declaration.

3 ADMIN. JUDGE SIPPEL: The Declaration is
4 attached, or something like that?

5 MR. SHOOK: Yes, Sir, it's proposed Bureau
6 Exhibit No. 5 at Page 15.

7 ADMIN. JUDGE SIPPEL: Well -

8 MS. REPP: And, Your Honor, that is in the
9 statement that's part of the Petition. And we are not
10 going to object to the entry into evidence of the
11 entire Petition to Deny.

12 But we do object to Mr. Lopez repeating
13 this statement as if it were true.

14 ADMIN. JUDGE SIPPEL: Well, you see, he's
15 got - you've just pointed it out to me. He does have
16 a basis for saying this. Let me start off by saying,
17 first, I try to enforce - I do enforce the heresy rule
18 if evidence is thought to be introduced which clearly
19 comes within the rule and it is very, very - it's a
20 convincing piece of evidence - it's a piece of
21 evidence that's very significant.

22 Significant is really the word that I
23 want. Other than that, there is a general rule in
24 Administrative Hearing Law that heresy is permissible.
25 But our rules, the Commission Rules, I don't have the

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1 cite with me right now, but they do incorporate by
2 reference the general rules of evidence and I do
3 intend to enforce them.

4 But here we have a situation where it's -
5 the reliability of his statement is - it diverts with
6 the fact that there is Ms. Hecht's statement that came
7 in with the Petition.

8 There is some substance, there is
9 something behind what he's saying. So, I'm not
10 altogether concerned with the heresy nature of that
11 particular - what you have slagged there, in light of
12 what's showing up in the Petition to Deny.

13 Everything that you're saying is certainly
14 grounds for cross-examination. What you're getting
15 to, Ms. Repp, is grounds for cross-examination. And
16 if he can't justify, or somehow come up with a good
17 explanation as to why he can say that, that he has a
18 reason to make a statement that heresy in nature.

19 That's just something that some third
20 party told him in passing, or something. Then you've
21 got a legitimate point. But on this particular point,
22 I don't see it. I mean, I would overrule that
23 objection.

24 Now, do you have other statements in here
25 that you want to go through this document now?

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1 MS. REPP: Yes, we have similar
2 objections. I do note, just for the record, that Mr.
3 Ramirez did, during his deposition testimony, state
4 that he could not trust Susan Hecht. So, her
5 trustworthiness is an issue.

6 ADMIN. JUDGE SIPPEL: Now let's get to Mr.
7 Lopez again. Mr. Lopez, he was with the group that
8 filed the Petition?

9 MS. REPP: He was one of the founders of
10 GGPR and he was a volunteer and/or employee at KALW.

11 ADMIN. JUDGE SIPPEL: So he was both?

12 MS. REPP: He was both at that time, I
13 believe.

14 ADMIN. JUDGE SIPPEL: All right. And did
15 he actively come in - was he one of the ones - I
16 remember there was one. Was it Ms. Hecht that was one
17 of them that was saying, in the hearing designation,
18 or was there another one?

19 But it wasn't him, I don't think, was it?
20 Was it Lopez or Hecht?

21 MS. REPP: Come in for what, Your Honor?

22 ADMIN. JUDGE SIPPEL: They were doing an
23 inspection of the station, of sorts.

24 MS. REPP: Well, Mr. Lopez talks about
25 having looked at the public inspection file on his

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1 own, later on in this statement. Oh, you may be
2 referring to Dave Evans, who was the station engineer
3 who had an alleged earlier conversation with Mr.
4 Ramirez about the state of the public inspection file.

5 ADMIN. JUDGE SIPPEL: Okay, well, I'm
6 trying to get a handle, in terms of what kind of a
7 position Lopez was in observe and to make these
8 conclusions. The first one that I've ruled on, that's
9 pretty clear. I don't know. Keep going. What's your
10 next one?

11 MS. REPP: Yes, I would, as I noted
12 before, we have the same concern with the sentence Ms.
13 Hecht further states that she found the files
14 disorganized and incomplete. And then, in June of
15 1997, she created and provided Mr. Ramirez with a list
16 entitled license renewal materials and files at
17 present.

18 Again, we believe that's being presented
19 for the truth, and it's an out-of-court statement
20 consisting of heresy. Then again, in the next line,
21 that list did not contain reference to any ownership
22 reports dated after January 31, 1991.

23 Ms. Hecht noted that the program's list
24 file was empty, and that the problems and program's
25 Spring 91 file contained a complete 1991 list and

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1 incomplete 1992 list, Winter and Spring only, and a
2 partial list for the years 1997 and 1989.

3 Ms. Hecht told me that she had given her
4 list of the public file to Mr. Ramirez. That entire
5 Paragraph 14 essentially consists of statements - out-
6 of-court statements - by a third party, being
7 presented as if they were true.

8 ADMIN. JUDGE SIPPEL: Okay, Mr. - well,
9 let's hear from the Bureau on that. Mr. Shook?

10 MR. SHOOK: Your Honor, with respect to
11 the misstatements, I would point out, again, that Ms.
12 Hecht's declaration, which appears in proposed Bureau
13 Exhibit No. 5, Page 15, there's -

14 What she says in her Declaration is
15 basically recited by Mr. Lopez. And as far as what
16 was found in the file or not, there was a report that
17 Ms. Hecht refers to in her Declaration, which is
18 attached to proposed Bureau Exhibit No. 5 as Pages 17-
19 20, which detail what it was that she apparently saw
20 or didn't see.

21 And then, in turn, reduced that to writing
22 and provided that to Mr. Ramirez.

23 ADMIN. JUDGE SIPPEL: Well, I see -

24 MR. SHOOK: From that standpoint, I don't
25 think there's really any question about reliability

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1 here, in terms of the information that's being
2 discussed in Mr. Lopez's testimony.

3 MS. REPP: I do note that, in Paragraph
4 15, now that Mr. Lopez says "Although I do not know
5 exactly what Ms. Hecht meant when she indicated
6 partial". So, clearly, Mr. Lopez was not a party to
7 the matter, was not assisting Ms. Hecht when she
8 reviewed the public inspection file or prepared the
9 license. He's really just a third-party observer
10 here.

11 ADMIN. JUDGE SIPPEL: All right, let me
12 see if I can get to this another way, because you have
13 a point - you have points. Mr. Lopez is going to come
14 in and testify, right?

15 MS. REPP: Yes, Your Honor, he's noted for
16 cross-examination.

17 ADMIN. JUDGE SIPPEL: And you're going to
18 cross-examine him on his direct testimony, is what we
19 have here, right?

20 MS. REPP: Yes, Your Honor.

21 ADMIN. JUDGE SIPPEL: Okay. What I'm
22 going to do is, I'm going to defer ruling on this
23 exhibit until you get a chance to question the witness
24 with respect to his ability to - his opportunities to
25 observe and how he came up with all of this

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1 information, and how it was all put together in his
2 testimony - voir dire, in other words.

3 MS. REPP: Yes, Your Honor.

4 ADMIN. JUDGE SIPPEL: If I'm satisfied, at
5 the conduction of voir dire, that his testimony still
6 remains reliable, albeit subject in certain areas to
7 weight, I'll receive it under those conditions.

8 If it turns out that you're able to
9 convince me that this is not a reliable witness, then
10 some or all of this - I'll sustain your objection.
11 All right?

12 MS. REPP: Yes, thank you, Your Honor.
13 And I assume we'll have the same opportunity to
14 address our other issues. I didn't get to our other
15 paragraphs of this statement of Mr. Lopez.

16 ADMIN. JUDGE SIPPEL: No, I'm talking
17 about the whole exhibit.

18 MS. REPP: Yes, okay. Thank you, Your
19 Honor.

20 ADMIN. JUDGE SIPPEL: This is the Bureau's
21 exhibit. The sponsor is going to be Mr. Lopez in this
22 exhibit, and you're going to have a chance to voir
23 dire him on all this before I'm going to rule on
24 whether or not it's going to be received into
25 evidence.

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1 MS. REPP: Thank you.

2 ADMIN. JUDGE SIPPEL: Or some qualified
3 ruling. So, Bureau Exhibit No. 4, the Testimony of
4 Jason Lopez, is marked for identification and its
5 receipt into evidence is deferred until the time that
6 Mr. Lopez appears in court - testifies that he will
7 sponsor this testimony as his own and Ms. Repp will
8 have an - the School District will have an opportunity
9 to voir dire him on the points of heresy.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as Bureau Exhibit No.
13 4, for identification.)

14 All right, that takes care of Bureau
15 Exhibit No. 4. Bureau Exhibit No. 5?

16 MR. SHOOK: Bureau Exhibit No. 5, Your
17 Honor, is a Bureau exhibit that concerns a Petition to
18 Deny, that was filed by Golden Gate Public Radio
19 against the renewal application of the San Francisco
20 Unified School District for KALW.

21 We have not submitted the entire Petition
22 to Deny. We have submitted only those portions which
23 we believe are relevant to the public file and
24 misrepresentation issues, and there are 27 pages of
25 that.

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1 ADMIN. JUDGE SIPPEL: Okay, is there any
2 objection?

3 MS. REPP: Yes, Your Honor. The District
4 objects to the submission only portions of the
5 Petition to Deny. Some of the excerpts are taken out
6 of context. I think it would also hinder our ability
7 to cross-examine the witnesses, not having the entire
8 Petition in the record.

9 ADMIN. JUDGE SIPPEL: What witnesses will
10 you be cross-examining on this?

11 MS. REPP: Mr. Lopez.

12 ADMIN. JUDGE SIPPEL: All right. You are
13 entitled to have the entire document submitted into
14 evidence. How do you want to proceed with that? Do
15 you want to bring it in? do you have it with you now?
16 Do you want to bring it in later?

17 MS. REPP: I do not have it, because it's
18 a Bureau proffered document.

19 MR. SHOOK: Your Honor, I think in
20 fairness, and considering what we had asked of SFUSD
21 and they very graciously did, we will undertake to
22 provide a complete copy of the Petition to Deny. And
23 we will get that to everybody as soon as we can.

24 ADMIN. JUDGE SIPPEL: All right. Well,
25 the Reporter is going to be in the courtroom for the

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1 day.

2 MR. SHOOK: We can bring it down to him
3 later.

4 ADMIN. JUDGE SIPPEL: Two copies to him.

5 MR. SHOOK: Yes, Sir.

6 ADMIN. JUDGE SIPPEL: And I can be the
7 last on your service list. But be sure the Reporter
8 gets it. And we already have a copy, I take it, Ms.
9 Repp?

10 MR. SHOOK: I'm sure they have more copies
11 than they wish they had, but I can give them one.

12 MS. REPP: I'd like to have the copy
13 that's being proffered.

14 ADMIN. JUDGE SIPPEL: Of course.

15 MR. SHOOK: I can do that.

16 ADMIN. JUDGE SIPPEL: Of course. And you
17 can pre-mark that, just on the top page of it, so that
18 - there's not going to be a verbal record of that.
19 Just mark it as being your Bureau Exhibit No. 5.

20 MR. SHOOK: Right. So, we intend for our
21 Bureau Exhibit No. 5 to be the entire Petition to
22 Deny.

23 ADMIN. JUDGE SIPPEL: Okay, subject to
24 that, all of those qualifications and
25 characterizations and comments and rulings, Bureau

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1 Exhibit No. 5 is marked and received in evidence,
2 subject to complete copy being delivered to the Court
3 Reporter and to SFUSD. Exhibit No. 6?

4 (Whereupon, the above-referred
5 to document was marked into
6 evidence as Bureau Exhibit No.
7 5, for identification.)

8 (Whereupon, the document
9 previously marked as Bureau
10 Exhibit No. 5 was received into
11 evidence.)

12 MR. SHOOK: What the Bureau has previously
13 marked as proposed Exhibit No. 6, we are not going to
14 offer as it has already been offered as a complete
15 copy of the Opposition of Petition to Deny has already
16 been offered and received as SFUSD Exhibit No. 4.

17 ADMIN. JUDGE SIPPEL: So, can we just
18 strike that exhibit?

19 MR. SHOOK: However we do it so that - I
20 think it would be easier for us if we just kept the
21 numbers as we have them currently arranged. That
22 would make it, I think, easier for everybody to
23 follow, rather than pulling documents out and then
24 renumbering them.

25 ADMIN. JUDGE SIPPEL: No, it's not going

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1 to be renumbered. It can still stay in there as
2 Bureau Exhibit No. 6, but it's going to be a stricken
3 exhibit.

4 MR. SHOOK: That would be fine.

5 ADMIN. JUDGE SIPPEL: And I'm just going
6 to change this and draw a line through it.

7 MR. SHOOK: That would be fine.

8 ADMIN. JUDGE SIPPEL: All right. Do you
9 have any objection to that, Ms. Repp?

10 MS. REPP: No, Your Honor.

11 ADMIN. JUDGE SIPPEL: Your Exhibit No. 6
12 is marked as Bureau Exhibit No. 6, and it's stricken
13 as a duplicate.

14 (Whereupon, the above-referred
15 to document was marked into
16 evidence as Bureau Exhibit No.
17 6, for identification.)

18 MR. SHOOK: Proposed Bureau Exhibit No. 7
19 is the Sanchez Law Firm Slip Listing for the period of
20 May 7, 1997 through January 31, 1998. It consists of
21 11 pages.

22 ADMIN. JUDGE SIPPEL: Is there any
23 objection?

24 MS. REPP: No, Your Honor.

25 ADMIN. JUDGE SIPPEL: Marked and received

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1 as Bureau Exhibit No. 7.

2 (Whereupon, the above-referred
3 to document was marked into
4 evidence as Bureau Exhibit No.
5 7, for identification.)

6 (Whereupon, the document
7 previously marked as Bureau
8 Exhibit No. 7 was received into
9 evidence.)

10 MR. SHOOK: Bureau Exhibit No. 8 is a 2-
11 page document. It is untitled. The top line would
12 reads, "How I would like to respond to this piece of
13 trash." We've received these documents from SFUSD.

14 We understand them to be notes, either
15 from Susan Jenkins or Ernest Sanchez.

16 ADMIN. JUDGE SIPPEL: Any objection?

17 MS. REPP: No objection.

18 ADMIN. JUDGE SIPPEL: Okay, Bureau Exhibit
19 No. 8, 2 pages of notes, marked and received.

20 (Whereupon, the above-referred
21 to document was marked into
22 evidence as Bureau Exhibit No.
23 8, for identification.)

24 (Whereupon, the document
25 previously marked as Bureau

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1 Exhibit No. 8 was received into
2 evidence.)

3 MR. SHOOK: Proposed Exhibit No. 9, for
4 the Bureau, consists of a Fax Transmission Cover Page,
5 and includes a Memorandum to Jeff Ramirez, Station
6 Manager, KALW, from Susan Jenkins, dated 1/12/98,
7 subject responds to Petition to Deny fact gathering
8 for your declaration and other declarations. It is 6
9 pages in length.

10 ADMIN. JUDGE SIPPEL: Any objection?

11 MS. REPP: No, Your Honor.

12 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
13 9 is marked and received.

14 (Whereupon, the above-referred
15 to document was marked into
16 evidence as Bureau Exhibit No.
17 9, for identification.)

18 (Whereupon, the document
19 previously marked as Bureau
20 Exhibit No. 9 was received into
21 evidence.)

22 MR. SHOOK: Proposed Bureau Exhibit No. 10
23 is a KALW Fax Cover Sheet to Ernie Sanchez from Bill
24 Helgeson. And it appears to have been transmitted on
25 January 30, 1998. It is one page.

1 ADMIN. JUDGE SIPPEL: Is there any
2 objection?

3 MS. REPP: No objection.

4 ADMIN. JUDGE SIPPEL: Marked and received.

5 (Whereupon, the above-referred
6 to document was marked into
7 evidence as Bureau Exhibit No.
8 10, for identification.)

9 (Whereupon, the document
10 previously marked as Bureau
11 Exhibit No. 10 was received
12 into evidence.)

13 MR. SHOOK: Proposed Bureau Exhibit No. 11
14 is a 2-page document. It's from the Office of Ernest
15 T. Sanchez. It's a Fax Cover Sheet, and apparently
16 fax transmission information - it's dated 3/9/98,
17 although the document itself refers to eight pages,
18 the only two pages that the Bureau was able to find,
19 relative to this, is the two pages that constitute
20 Bureau Exhibit No. 11.

21 ADMIN. JUDGE SIPPEL: Any objection?

22 MS. REPP: No objection.

23 ADMIN. JUDGE SIPPEL: Okay, Bureau Exhibit
24 No. 11 is marked and received.

25 (Whereupon, the above-referred

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1 to document was marked into
2 evidence as Bureau Exhibit No.
3 11, for identification.)

4 (Whereupon, the document
5 previously marked as Bureau
6 Exhibit No. 11 was received
7 into evidence.)

8 MR. SHOOK: Bureau Exhibit No. 12, again,
9 Fax Cover Sheet from the Office of Ernest T. Sanchez.
10 In this case, the date is 3/13/98. It's to Mr.
11 William Helgeson. The Bureau Exhibit No. 12 consists
12 of 2 pages - The Fax Cover Sheet references a third
13 page.

14 The Bureau does not have that page, so it
15 cannot include it in the exhibit. So, the exhibit
16 that we have is two pages.

17 ADMIN. JUDGE SIPPEL: Any objection?

18 MS. REPP: No objection.

19 ADMIN. JUDGE SIPPEL: Marked and received.

20 (Whereupon, the above-referred
21 to document was marked into
22 evidence as Bureau Exhibit No.
23 12, for identification.)

24 (Whereupon, the document
25 previously marked as Bureau

1 Exhibit No. 12 was received
2 into evidence.)

3 MR. SHOOK: Bureau Exhibit No. 13 is a 3-
4 page document. It's a Letter from Linda Blair, Chief
5 Audio Services Division, Mass Media Bureau, and it's
6 addressed to Ernest T. Sanchez, dated February 5,
7 2001.

8 ADMIN. JUDGE SIPPEL: That's the Letter of
9 Inquiry?

10 MR. SHOOK: Yes, Sir.

11 ADMIN. JUDGE SIPPEL: Okay, any objection?

12 MS. REPP: No objection.

13 ADMIN. JUDGE SIPPEL: Marked and received.
14 That's Bureau Exhibit No. 13.

15 (Whereupon, the above-referred
16 to document was marked into
17 evidence as Bureau Exhibit No.
18 13, for identification.)

19 (Whereupon, the document
20 previously marked as Bureau
21 Exhibit No. 13 was received
22 into evidence.)

23 MR. SHOOK: Bureau Exhibit No. 14 is a 4-
24 page exhibit, and it consists of the 3-page Letter
25 that we had just talked about and also includes a Fax

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1 Cover Sheet from the Sanchez Law Firm, dated 2/8/01 to
2 Bill Helgeson.

3 ADMIN. JUDGE SIPPEL: Any objection?

4 MS. REPP: No objection.

5 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
6 14 is marked and received.

7 (Whereupon, the above-referred
8 to document was marked into
9 evidence as Bureau Exhibit No.
10 14, for identification.)

11 (Whereupon, the document
12 previously marked as Bureau
13 Exhibit No. 14 was received
14 into evidence.)

15 MR. SHOOK: Proposed Bureau Exhibit No. 15
16 is from the Sanchez Law Firm. It is a Memo to Bill
17 Helgeson, Acting General Manager, KALW FM, from Susan
18 Jenkins, dated February 17, 2001. Subject: FCC's
19 Public File Requirements for Non-Commercial
20 Educational (NCE) Radio Stations.

21 ADMIN. JUDGE SIPPEL: Any objection?

22 MS. REPP: No objection.

23 ADMIN. JUDGE SIPPEL: Okay, Bureau Exhibit
24 No. 15 is received - marked and received.

25 (Whereupon, the above-referred

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1 to document was marked into
2 evidence as Bureau Exhibit No.
3 15, for identification.)

4 (Whereupon, the document
5 previously marked as Bureau
6 Exhibit No. 15 was received
7 into evidence.)

8 MR. SHOOK: Bureau Exhibit No. 16 is a 1-
9 page Letter, dated March 6, 2001, received at the FCC
10 on March 7, 2001, from the Sanchez Law Firm - and it
11 was addressed to Linda Blair, Chief Audio Services
12 Division.

13 ADMIN. JUDGE SIPPEL: Objection?

14 MS. REPP: No objection.

15 ADMIN. JUDGE SIPPEL: That's marked and
16 received as Bureau Exhibit No. 16.

17 (Whereupon, the above-referred
18 to document was marked into
19 evidence as Bureau Exhibit No.
20 16, for identification.)

21 (Whereupon, the document
22 previously marked as Bureau
23 Exhibit No. 16 was received
24 into evidence.)

25 MR. SHOOK: Proposed Bureau Exhibit No. 17

1 is, as best we can tell, an E-Mail. The subject is
2 KALW, the date is Tuesday, March 6, 2001. It's from
3 Ernest T. Sanchez to Susan Jenkins and it's 1-page.

4 ADMIN. JUDGE SIPPEL: Any objections?

5 MS. REPP: No objections.

6 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
7 17 is marked and received.

8 (Whereupon, the above-referred
9 to document was marked into
10 evidence as Bureau Exhibit No.
11 17, for identification.)

12 (Whereupon, the document
13 previously marked as Bureau
14 Exhibit No. 17 was received
15 into evidence.)

16 MR. SHOOK: Proposed Bureau Exhibit No. 18
17 is, again, it appears to be an E-Mail. It is from
18 Ernest T. Sanchez to Bill Helgeson. The date is March
19 7, 2001. The subject is Public File Inspection
20 Requirements, and it is 6 pages in length.

21 ADMIN. JUDGE SIPPEL: Any objection?

22 MS. REPP: No objection.

23 ADMIN. JUDGE SIPPEL: Okay, Bureau Exhibit
24 No. 18 is marked and received.

25 (Whereupon, the above-referred

1 to document was marked into
2 evidence as Bureau Exhibit No.
3 18, for identification.)

4 (Whereupon, the document
5 previously marked as Bureau
6 Exhibit No. 18 was received
7 into evidence.)

8 MR. SHOOK: Proposed Bureau Exhibit No. 19
9 is, again it appears to be an E-Mail from William
10 Helgeson to Ernest Sanchez, dated March 7, 2001. It
11 is 7 pages in length.

12 ADMIN. JUDGE SIPPEL: Any objections?

13 MS. REPP: No objection.

14 ADMIN. JUDGE SIPPEL: Marked and received.

15 (Whereupon, the above-referred
16 to document was marked into
17 evidence as Bureau Exhibit No.
18 19, for identification.)

19 (Whereupon, the document
20 previously marked as Bureau
21 Exhibit No. 19 was received
22 into evidence.)

23 MR. SHOOK: Proposed Bureau Exhibit No. 20
24 is a 1-page document. It appears to be an E-Mail,
25 although we're not entirely certain of that. It's to

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1 Ernie Sanchez, Esquire, from Nicole Siwaya, Re:
2 Enclosures, dated March 8, 2001.

3 ADMIN. JUDGE SIPPEL: Is there any
4 objection?

5 MS. REPP: No, Your Honor, although I know
6 I don't believe this is an e-mail document. But Ms.
7 Siwaya can be questioned about it during cross-
8 examination.

9 ADMIN. JUDGE SIPPEL: Well, is there any
10 - that's fine, that's fine. It will be marked and
11 received as Bureau Exhibit No. 20.

12 (Whereupon, the above-referred
13 to document was marked into
14 evidence as Bureau Exhibit No.
15 20, for identification.)

16 (Whereupon, the document
17 previously marked as Bureau
18 Exhibit No. 20 was received
19 into evidence.)

20 But there is no question that Mr. Sanchez
21 received it, is there?

22 MS. REPP: No, I'm just suggesting that I
23 don't believe it's an e-mail correspondence.

24 ADMIN. JUDGE SIPPEL: All right, but it's
25 marked and received. That's Bureau Exhibit No. 20.

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1 No. 21?

2 MR. SHOOK: Bureau Exhibit No. 21 is - I
3 guess this has the same difficulty for us as the last
4 one, in terms of what exactly is this - whether it was
5 an e-mail or a letter or - in any event, it is some
6 kind of communication dated March 8, 2001 to Ernie
7 Sanchez from Nicole Siwaya, Re: KALW and FCC Letter
8 Dated 2/5/01, reference 1800B3. The document is 7
9 pages in length.

10 ADMIN. JUDGE SIPPEL: Any objection?

11 MS. REPP: No objection.

12 ADMIN. JUDGE SIPPEL: It's marked and
13 received.

14 (Whereupon, the above-referred
15 to document was marked into
16 evidence as Bureau Exhibit No.
17 21, for identification.)

18 (Whereupon, the document
19 previously marked as Bureau
20 Exhibit No. 21 was received
21 into evidence.)

22 MR. SHOOK: Bureau Exhibit No. 22 is, we
23 believe, an E-Mail from Nicole Siwaya to E. Sanchez,
24 with a copy to J. Wright, and the date is March 13,
25 2001. The subject is: Please CC.

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1 ADMIN. JUDGE SIPPEL: Any objection?

2 MS. REPP: No objection.

3 ADMIN. JUDGE SIPPEL: Marked and received
4 as Bureau Exhibit No. 22.

5 (Whereupon, the above-referred
6 to document was marked into
7 evidence as Bureau Exhibit No.
8 22, for identification.)

9 (Whereupon, the document
10 previously marked as Bureau
11 Exhibit No. 22 was received
12 into evidence.)

13 MR. SHOOK: Your Honor, with respect to
14 proposed Bureau Exhibit No. 23, that duplicates SFUSD
15 Exhibit No. 19, so I would ask that our exhibit be
16 marked as Bureau Exhibit No. 23 but stricken as a
17 duplicate of SFUSD Exhibit No. 19.

18 ADMIN. JUDGE SIPPEL: Any objection?

19 MS. REPP: No objection.

20 ADMIN. JUDGE SIPPEL: Okay, that's marked
21 as Bureau Exhibit No. 23 and stricken as requested by
22 counsel as duplicative.

23 (Whereupon, the above-referred
24 to document was marked into
25 evidence as Bureau Exhibit No.

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1 23, for identification.)

2 ADMIN. JUDGE SIPPEL: What was it
3 duplicative of? Do you have a handy note on that?

4 MR. SHOOK: SFUSD Exhibit No. 19.

5 ADMIN. JUDGE SIPPEL: SFUSD Exhibit No.
6 19. Okay. All right, let's see. Before you get to
7 the next one, I have a question. Something strikes me
8 here. You've got the letter from the Bureau coming in
9 on February 5th.

10 I have not seen - now, maybe it's down the
11 road, but is there a formal reply?

12 MR. SHOOK: Yes, Sir, and it is down the
13 road and we have it and we'll get to it.

14 ADMIN. JUDGE SIPPEL: Okay. Go ahead.
15 Bureau Exhibit No. 24.

16 MR. SHOOK: Proposed Bureau Exhibit No. 24
17 is an E-Mail, 2-pages in length, from Ernest T.
18 Sanchez to Nicole Siwaya, CC: what appears to be
19 William Helgeson, Jackie Wright and David Campos.
20 It's dated March 28, 2001; Subject is FCC.

21 ADMIN. JUDGE SIPPEL: Is there any
22 objection?

23 MS. REPP: No objection.

24 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
25 24 is marked and received.

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1 (Whereupon, the above-referred
2 to document was marked into
3 evidence as Bureau Exhibit No.
4 24, for identification.)

5 (Whereupon, the document
6 previously marked as Bureau
7 Exhibit No. 24 was received
8 into evidence.)

9 MR. SHOOK: Your Honor, the next two
10 exhibits, Bureau Exhibit Nos. 25 and 26 have already
11 been received as SFUSD exhibits, so we can go through
12 the procedure of marking and striking.

13 So, Bureau Exhibit No. 25 is a 1-page
14 document and we can just mark it as such, and note
15 that it has already been received into evidence as
16 SFUSD Exhibit No. 14. So, our exhibit will be
17 stricken.

18 ADMIN. JUDGE SIPPEL: Okay, I will mark
19 this as Bureau Exhibit No. 25 for the Bureau. It's
20 marked as Bureau Exhibit No. 25 but it is not received
21 into evidence and it is stricken as duplicative.

22 (Whereupon, the above-referred
23 to document was marked into
24 evidence as Bureau Exhibit No.
25 25, for identification.)

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1 And your next exhibit for that purpose?

2 MR. SHOOK: Proposed Bureau Exhibit No.
3 26. It's a 1-page document, an E-Mail from Nicole
4 Siwaya to Ernie and Susan, dated April 3, 2001. It
5 duplicates SFUSD Exhibit No. 20, so I would request
6 ours be marked, but stricken as duplicative.

7 ADMIN. JUDGE SIPPEL: It is marked as
8 Bureau Exhibit No. 26, but it is not received into
9 evidence and it is stricken as duplicative.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as Bureau Exhibit No.
13 26, for identification.)

14 ADMIN. JUDGE SIPPEL: No objection to
15 that?

16 MS. REPP: No objection.

17 MR. SHOOK: Proposed Bureau Exhibit No. 27
18 is a 1-page document. We believe it's an E-Mail.
19 It's to N. Siwaya, D. Campos and J. Wright from Bill
20 Helgeson. Subject is FYI Conversation with Ernie
21 Sanchez.

22 And the dates, it's not entirely clear
23 here. But it's either April 2 or April 3. It's a 1-
24 page document.

25 ADMIN. JUDGE SIPPEL: Any objection?

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1 MS. REPP: No objection.

2 ADMIN. JUDGE SIPPEL: That's Bureau
3 Exhibit No. 27 and it's marked and received.

4 (Whereupon, the above-referred
5 to document was marked into
6 evidence as Bureau Exhibit No.
7 27, for identification.)

8 (Whereupon, the document
9 previously marked as Bureau
10 Exhibit No. 27 was received
11 into evidence.)

12 MR. SHOOK: Proposed Bureau Exhibit No. 28
13 is a 1-page document, dated April 3, 2001, from Bill
14 Helgeson to E. Sanchez. It duplicates SFUSD Exhibit
15 No. 9, so we would request that it be marked as Bureau
16 Exhibit No. 28 but stricken as duplicative.

17 ADMIN. JUDGE SIPPEL: Any objection?

18 MS. REPP: No objection.

19 ADMIN. JUDGE SIPPEL: Okay, Bureau Exhibit
20 No. 28 is marked as identified by Mr. Shook. It's
21 duplicative of - which exhibit is it duplicative of?

22 MR. SHOOK: SFUSD Exhibit No. 9.

23 ADMIN. JUDGE SIPPEL: And it is stricken
24 as duplicative, so it's not received into evidence.

25 (Whereupon, the above-referred

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to document was marked into
evidence as Bureau Exhibit No.
28, for identification.)

Your next exhibit is Bureau Exhibit No.
29.

MR. SHOOK: Yes, Your Honor. That is a 7-
page E-Mail, dated April 3, 2001, from Ernest Sanchez
to David Campos, copied to J. Wright, W. Helgeson and
Nicole Siwaya. It duplicates SFUSD Exhibit No. 21, so
we would ask that it be marked as Bureau Exhibit No.
29, but stricken as duplicative.

ADMIN. JUDGE SIPPEL: Any objection?

MS. REPP: No objection.

ADMIN. JUDGE SIPPEL: Okay, Bureau Exhibit
No. 29 is marked for identification, but it is not
received into evidence. It is duplicative, and it
will be stricken from the Bureau's exhibits. Bureau
Exhibit No. 30?

(Whereupon, the above-referred
to document was marked into
evidence as Bureau Exhibit No.
29, for identification.)

MR. SHOOK: Bureau Exhibit No. 30 is a 1-
page document from Susan Jenkins to Bill Helgeson, CC:
Ernie Sanchez, subject: Declaration, dated April 4,

1 2001.

2 ADMIN. JUDGE SIPPEL: Okay, is there any
3 objection?

4 MS. REPP: No objection.

5 ADMIN. JUDGE SIPPEL: Then Bureau Exhibit
6 No. 30 is marked and received.

7 (Whereupon, the above-referred
8 to document was marked into
9 evidence as Bureau Exhibit No.
10 30, for identification.)

11 (Whereupon, the document
12 previously marked as Bureau
13 Exhibit No. 30 was received
14 into evidence.)

15 MR. SHOOK: Exhibit No. 31 for the Bureau
16 is a 1-page document. It appears to be an E-Mail from
17 Bill Helgeson to Susan Jenkins. The subject is
18 Declaration. And it appears to be dated April 5,
19 2001.

20 ADMIN. JUDGE SIPPEL: Any objection?

21 MS. REPP: No objection.

22 ADMIN. JUDGE SIPPEL: It's marked and
23 received. That's Bureau Exhibit No. 31.

24 (Whereupon, the above-referred
25 to document was marked into

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1 evidence as Bureau Exhibit No.
2 31, for identification.)
3 (Whereupon, the document
4 previously marked as Bureau
5 Exhibit No. 31 was received
6 into evidence.)

7 Okay, your next exhibit?

8 MR. SHOOK: Bureau Exhibit No. 32 is a 1-
9 page document. It appears to be an E-Mail from Bill
10 Helgeson to Susan Jenkins, dated April 5, 2001. And
11 it duplicates SFUSD Exhibit No. 10.

12 So, the Bureau would request that the
13 document be marked as Bureau Exhibit No. 32 for the
14 Bureau, but stricken as duplicative.

15 ADMIN. JUDGE SIPPEL: Any objection to
16 that procedure?

17 MS. REPP: No objection.

18 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
19 32 is marked as identified by counsel, but it is
20 stricken as duplicative of SFUSD Exhibit No. 10, which
21 has already been received into evidence. Next
22 document?

23 (Whereupon, the above-referred
24 to document was marked into
25 evidence as Bureau Exhibit No.

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1 32, for identification.)

2 MR. SHOOK: The next document is a Memo
3 from Bill Helgeson to Ernest Sanchez and Susan
4 Jenkins, dated April 5, 2001, Re: FCC documents. It's
5 1-page, and it duplicates SFUSD Exhibit No. 11.

6 So, we would request that it be marked as
7 Bureau Exhibit No. 33 for the Bureau, but stricken as
8 duplicative.

9 ADMIN. JUDGE SIPPEL: Any objection?

10 MS. REPP: No objection.

11 ADMIN. JUDGE SIPPEL: Okay, that is Bureau
12 Exhibit No. 33. It is marked for identification as
13 described by counsel. It is stricken as duplicative
14 of SFUSD Exhibit No. 11.

15 (Whereupon, the above-referred
16 to document was marked into
17 evidence as Bureau Exhibit No.
18 33, for identification.)

19 MR. SHOOK: Bureau Exhibit No. 34 is a
20 Letter dated April 5, 2001, received by the FCC April
21 6, 2001 from the Sanchez Law Firm to Linda Blair.
22 Together with attachments, it consists of 82 pages.

23 ADMIN. JUDGE SIPPEL: Is there any
24 objection?

25 MS. REPP: No objection.

1 ADMIN. JUDGE SIPPEL: As identified by
2 counsel, Bureau Exhibit No. 34 is marked and received
3 into evidence.

4 (Whereupon, the above-referred
5 to document was marked into
6 evidence as Bureau Exhibit No.
7 34, for identification.)

8 (Whereupon, the document
9 previously marked as Bureau
10 Exhibit No. 34 was received
11 into evidence.)

12 MR. SHOOK: Proposed Bureau Exhibit No. 35
13 is 3-pages in length. It's from the Sanchez Law Firm.
14 It's a document addressed to Mr. Bill Helgeson at KALW
15 FM, dated May 1, 2001. And it consists of listings of
16 services rendered by the Sanchez Law Firm beginning
17 February 13, 2001 and ending April 30, 2001.

18 ADMIN. JUDGE SIPPEL: Any objection?

19 MS. REPP: No objection.

20 ADMIN. JUDGE SIPPEL: It's marked and
21 received as Bureau Exhibit No. 35.

22 (Whereupon, the above-referred
23 to document was marked into
24 evidence as Bureau Exhibit No.
25 35, for identification.)

1 (Whereupon, the document
2 previously marked as Bureau
3 Exhibit No. 35 was received
4 into evidence.)

5 MR. SHOOK: Proposed Bureau Exhibit No. 36
6 is the Bureau's Request for Admissions, and it
7 consists of 29 pages.

8 ADMIN. JUDGE SIPPEL: Any objection?

9 MS. REPP: No objection.

10 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
11 36 is marked and received.

12 (Whereupon, the above-referred
13 to document was marked into
14 evidence as Bureau Exhibit No.
15 36, for identification.)

16 (Whereupon, the document
17 previously marked as Bureau
18 Exhibit No. 36 was received
19 into evidence.)

20 MR. SHOOK: Proposed Bureau Exhibit No. 37
21 is the San Francisco Unified School District's
22 Objections and Responses to Enforcement Bureau's
23 Request for Admissions. It is 32 pages in length.

24 ADMIN. JUDGE SIPPEL: Any objection?

25 MS. REPP: No objection.

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1 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
2 37 is marked and received.

3 (Whereupon, the above-referred
4 to document was marked into
5 evidence as Bureau Exhibit No.
6 37, for identification.)

7 (Whereupon, the document
8 previously marked as Bureau
9 Exhibit No. 37 was received
10 into evidence.)

11 MR. SHOOK: Proposed Bureau Exhibit No. 38
12 is the San Francisco Unified School District's Revised
13 Objections and Responses. And it duplicates, with the
14 exception of a cover page, SFUSD Exhibit No. 17.

15 And the cover page isn't of any particular
16 significance, so we would ask that our document be
17 marked as Bureau Exhibit No. 38, but that it be
18 stricken as duplicative of SFUSD Exhibit No. 17.

19 ADMIN. JUDGE SIPPEL: Any objection to
20 that procedure?

21 MS. REPP: No objection.

22 ADMIN. JUDGE SIPPEL: All right. Bureau
23 Exhibit No. 38 is marked as identified by Mr. Shook,
24 but it is stricken as duplicative of SFUSD Exhibit No.
25 17.

1 (Whereupon, the above-referred
2 to document was marked into
3 evidence as Bureau Exhibit No.
4 38, for identification.)

5 MR. SHOOK: Proposed Bureau Exhibit No. 39
6 is the Bureau's Interrogatories that were filed with
7 the Commission on August 23, 2004, and it's 5 pages in
8 length.

9 ADMIN. JUDGE SIPPEL: Any objection?

10 MS. REPP: No objection.

11 ADMIN. JUDGE SIPPEL: Marked and received.

12 (Whereupon, the above-referred
13 to document was marked into
14 evidence as Bureau Exhibit No.
15 39, for identification.)

16 (Whereupon, the document
17 previously marked as Bureau
18 Exhibit No. 39 was received
19 into evidence.)

20 MR. SHOOK: Proposed Bureau Exhibit No. 40
21 is the San Francisco Unified School District's
22 Objections and Responses to Enforcement Bureau's
23 Interrogatories. It was filed with the Commission on
24 September 17, 2004. It's 16 pages in length.

25 ADMIN. JUDGE SIPPEL: Any objection?

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1 MS. REPP: No objection.

2 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
3 40 is marked and received.

4 (Whereupon, the above-referred
5 to document was marked into
6 evidence as Bureau Exhibit No.
7 40, for identification.)

8 (Whereupon, the document
9 previously marked as Bureau
10 Exhibit No. 40 was received
11 into evidence.)

12 MR. SHOOK: Proposed Bureau Exhibit No. 41
13 is the San Francisco Unified School District's
14 Supplemental Response to Enforcement Bureau's
15 Interrogatories 3-8, 7 pages in length.

16 ADMIN. JUDGE SIPPEL: Any objection?

17 MS. REPP: No objection.

18 ADMIN. JUDGE SIPPEL: Marked and received
19 as Bureau Exhibit No. 41.

20 (Whereupon, the above-referred
21 to document was marked into
22 evidence as Bureau Exhibit No.
23 41, for identification.)

24 (Whereupon, the document
25 previously marked as Bureau

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1 Exhibit No. 41 was received
2 into evidence.)

3 MR. SHOOK: Proposed Bureau Exhibit No. 42
4 is the Enforcement Bureau's First Request for
5 Production of Documents. It is 7 pages in length.

6 ADMIN. JUDGE SIPPEL: Any objection?

7 MS. REPP: No objection.

8 ADMIN. JUDGE SIPPEL: It's marked and
9 received as Bureau Exhibit No. 42.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as Bureau Exhibit No.
13 42, for identification.)

14 (Whereupon, the document
15 previously marked as Bureau
16 Exhibit No. 42 was received
17 into evidence.)

18 MR. SHOOK: Proposed Bureau Exhibit No. 43
19 is the San Francisco Unified School District's
20 Objections and Responses to the Bureau's First Request
21 for Production of Documents. It's 13 pages in length.

22 ADMIN. JUDGE SIPPEL: Any objection?

23 MS. REPP: No objection.

24 ADMIN. JUDGE SIPPEL: Marked and received
25 as Bureau Exhibit No. 43.

1 (Whereupon, the above-referred
2 to document was marked into
3 evidence as Bureau Exhibit No.
4 43, for identification.)

5 (Whereupon, the document
6 previously marked as Bureau
7 Exhibit No. 43 was received
8 into evidence.)

9 MR. SHOOK: Proposed Bureau Exhibit No. 44
10 consists of documents that were represented to have
11 been in KALW's public inspection file, covering the
12 period of Winter 1992 through Spring 1997.

13 This is not the entire set of documents
14 that were supposedly in the file, but a representative
15 sample. And it is 319 pages in length.

16 ADMIN. JUDGE SIPPEL: Any objection?

17 MS. REPP: Yes, Your Honor. We object
18 because, as explained by the Bureau, these are
19 excerpts and do not give a full and complete picture
20 of what is in the public inspection file relating to
21 these time periods.

22 ADMIN. JUDGE SIPPEL: Do you have, in your
23 compilation of documents, what is the complete
24 documentation of that time period?

25 MS. REPP: Yes, Your Honor. What the

1 documents in the public inspection file, at the time
2 that the Bureau requested that we submit documents to
3 them, was copied onto a diskette and provided to the
4 Bureau and we of course have a copy of that also.

5 ADMIN. JUDGE SIPPEL: So you're saying
6 what they did is they selected these, from that
7 diskette, they selected these?

8 MS. REPP: Right, and - yes, they selected
9 from the diskette, this time period. There were
10 subsequent time periods on the diskette. But the
11 objection is primarily to the extent that the Bureau
12 is trying to put into the record what the contents of
13 the public inspection file are for this time period of
14 winter 1992 through Spring 1997.

15 This is not the entire contents of the
16 file for that time period.

17 ADMIN. JUDGE SIPPEL: Yes.

18 MS. REPP: They are excerpts thereof.

19 ADMIN. JUDGE SIPPEL: Okay. Mr. Shook?

20 MR. SHOOK: Your Honor, that's so in terms
21 of the representation that was made to us, as far as
22 what was in the public file. I would point out that
23 many of the pages that we have chosen not to include
24 are pages from the various KALW program guides, which
25 by and large note information that is already in the

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1 record, in terms of the programming that was being
2 provided.

3 The question here is whether we can get
4 sufficient information about what was in the public
5 file in order to be able to make coherent findings and
6 conclusions relative to the issues at hand.

7 The Bureau went through this in order to
8 try to give to the Court, and ultimately to the
9 Commission should it get that far, basically what was
10 represented to us to be in the public file.

11 And, as far as adding additional pages,
12 the Bureau would certainly be willing to stipulate
13 that there were other pages of materials. And, even
14 go so far as to identify them.

15 But I don't think, for purposes of our
16 hearing, that it's necessary for the Bureau to copy
17 and put into the record the other 700 pages, which by
18 and large won't add anything of significance to this
19 record.

20 ADMIN. JUDGE SIPPEL: Well, what issue
21 does this relate to, these pages from the public
22 inspection file?

23 MR. SHOOK: The questions - basically,
24 what this has to do with some of the information that
25 the Bureau obtained in discovery, so it goes to the

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1 issue - actually, it goes to several issues.

2 It goes to the first issue about the
3 certification that was made back in 1997, in the
4 Renewal Application. It goes to subsequent
5 representations that were made to the Commission in
6 the Opposition to the Petition to Deny that was filed
7 in January of 1999.

8 And also, in the April 5, 2001 Letter that
9 was filed to the Commission on April 6, 2001. In
10 addition to questions and answers that were proffered
11 to Mr. Helgeson, in particular, during his deposition.

12 ADMIN. JUDGE SIPPEL: So, you're saying
13 that these are all relevant documents, even though
14 they're selective? I mean, they're selective from 319
15 out of 700 documents?

16 MR. SHOOK: 319 out of 1,008.

17 ADMIN. JUDGE SIPPEL: Are these supposed
18 to be illustrative of something, or are these directly
19 relevant to some statement or misstatements that were
20 made or how does this tie in?

21 MR. SHOOK: It does illustrate, and it
22 also - the Bureau will go through and cross-
23 examination of Mr. Helgeson to point out that
24 statements made during this deposition were not only
25 inaccurate but that he had no reason for making the